

The Landfill Permitting Process in Virginia

Opportunities for Public Comment

FIRST

Local governments make the decision to approve or deny the construction of a new landfill. Before making the decision, local governments take the following steps:

- Publish a public notice with the date, time and place of a public hearing in a local newspaper (and possibly on a website) with a summary of the proposed action, instruction on how to submit written comments and information on where and when citizens can review the application and other documents
- Post rezoning signs on the property if required by local ordinances
- Form a citizens' advisory group if the applicant is a local government or public authority
- Allow all interested persons to attend a public hearing and present their views, which become part of the public record
- Begin the process of amending the local solid waste plan to include the new landfill, if necessary

THEN

After local government approval, the applicant notifies the Virginia Department of Environmental Quality of the intent to establish a landfill. The process to obtain a permit from DEQ for a new sanitary landfill takes place in three steps:

Step 1: Notice of Intent

The applicant sends DEQ a notice of intent letter that must include the following information:

- Statement of use about the proposed landfill with area and site maps
- Disclosure statement – names and addresses of people responsible for managing the landfill
- Local government certification that the landfill location is zoned properly and meets local ordinances
- Findings from the public meeting
- Disposal capacity guarantee for sanitary landfills, which is certification that surrounding localities were able to contract for reserving space in the landfill
- Host agreement between the local government and the applicant, when the applicant is not the local governing body or authority
- Certification that the landfill's facility is consistent with the local solid waste management plan
- Daily travel routes and traffic volumes, daily disposal limit, and the service area if the landfill is locally owned and operated

Step 2: Siting Evaluation

The applicant submits the first part of the permit application (Part A) so DEQ can determine if the proposed landfill location meets regulatory and technical requirements. Siting criteria are subject to regulatory change. The application must include the following information:

- Map showing the facility and the landfill boundaries (with identification of surrounding areas within 500 feet of the property boundary), including where the waste will be placed; building structures and adjacent properties; base floodplain; existing land uses and zoning; water supply wells, springs, and public and private intakes or water withdrawals; utility lines, pipelines and mines; parks and recreation areas; surface water bodies and wetlands; dams; historic sites, monuments and cemeteries; and wildlife refuges, among other features
- Proof of ownership or legal control of property
- Detailed subsurface evaluation and detailed soil report
- Sources of waste – houses, schools, businesses, etc.
- Traffic Adequacy Report prepared by the Virginia Department of Transportation and an approval letter from VDOT or the county or city, as appropriate
- Report on the potential effect of the landfill on parks, recreational areas, wildlife management areas, critical habitat areas of endangered species, public water supplies, marine resources, wetlands, historic sites, fish and wildlife, water quality and tourism
- Permits from the U.S. Army Corps of Engineers and the DEQ water division if any streams or wetlands are proposed to be filled or disturbed
- Proof of notification to the Federal Aviation Administration if the proposed landfill will be located within five miles of any airport
- Documents showing the landfill will not be destroyed or dismantled by an earthquake if it is located in an earthquake-prone area
- Documents proving that the landfill, disposal unit or leachate storage unit are not located within 100 feet of any river, stream or regularly flowing surface water body; 500 feet of any well spring or other ground water source of drinking water; 200 feet of any house, school, hospital, nursing home or recreational park area; and one mile of an existing public water supply intake or reservoir

Step 3: Design and Operations

If DEQ approves the site chosen for the landfill, then the applicant must submit the second part of the application (Part B) that includes detailed information on how the landfill will be designed and operated. The application must include the following information:

- Documentation to show how the landfill will be operated, including the number of employees; mechanized equipment; daily cover; daily disposal rates; life of the landfill; liner system; and leachate collection, treatment and disposal
- Landfill gas management plan
- Ground water monitoring plan
- Closure and post-closure plan
- Details of the proposed design and construction of the landfill and ancillary support features

If the review proves that the landfill proposal meets the regulatory requirements and is technically sound, DEQ prepares a draft permit. Then DEQ will take the following steps:

- Publish a public notice to receive comments in a local newspaper and on the DEQ website
- Make the draft permit available to local residents
- Hold a public hearing to receive comments after 30 days of public notice
- Receive public comments until 15 days after the public hearing
- Prepare a written response to all public comments received
- Decide to issue or deny the permit

The Virginia Waste Management Act sets the requirements for new landfills. More information is available at www.deq.virginia.gov/regulations/laws.html. Public notices for comment periods and hearings are available on the DEQ website at www.deq.virginia.gov.